

# **Exhibit 31**

CLEARY GOTTlieb STEEN & HAMILTON LLP

One Liberty Plaza  
New York, NY 10006-1470

T: +1 212 225 2000

F: +1 212 225 3999

clearygottlieb.com

WASHINGTON, D.C. • PARIS • BRUSSELS • LONDON • MOSCOW  
FRANKFURT • COLOGNE • ROME • MILAN • HONG KONG  
BEIJING • BUENOS AIRES • SÃO PAULO • ABU DHABI • SEOUL

D: +1-212-225-2086  
jrosenthal@cgsh.com

THOMAS J. MOLONEY	MARGARET S. PEONIS	HUGH C. CONROY, JR.
RICHARD S. LINDER	LISA M. SCHWEITZER	JOSEPH LANZKRON
JAMES A. DUNCAN	JUAN G. GIRÁLDEZ	MAURICE R. GINDI
STEVEN M. LOEB	DUANE MCLAUGHLIN	KATHERINE R. REAVES
CRAIG B. BROD	BREON S. PEACE	RAHUL MUKHI
NICOLAS GRABAR	CHANTALE E. KORDULA	ELANA S. BRONSON
CHRISTOPHER E. AUSTIN	BENET J. O'REILLY	MANUEL SILVA
HOWARD S. ZELBO	ADAM E. FLEISHER	KYLE A. HARRIS
DAVID E. BRODSKY	SEAN A. O'NEAL	LINA BENSMAN
ARTHUR H. KOHN	GLENN P. MCGRORY	ARON M. ZUCKERMAN
RICHARD J. COOPER	MATTHEW P. SALERNO	RESIDENT PARTNERS
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PAUL J. SHIM	VICTOR L. HOU	SANDRA M. ROCKS
STEVEN L. WILNER	ROGER A. COOPER	JUDITH KASSEL
ANDRES DE LA CRUZ	AMY R. SHAPIRO	PENELOPE L. CHRISTOPHORE
DAVID C. LOPEZ	JENNIFER KENNEDY PARK	BOAZ E. MORAG
MICHAEL A. GERSTENZANG	ELIZABETH LENAS	MARY E. ALCOCK
LEV L. DASSIN	LUKE A. BAREFOOT	HEIDE H. ILGENFRITZ
NEIL Q. WHORISKEY	JONATHAN S. KOLODNER	KATHLEEN M. EMBERGER
JORGE U. JUANTORENA	DANIEL ILAN	AVRAM E. LUFT
MICHAEL D. WEINBERGER	MEYER H. FEDIDA	ANDREW WEAVER
DAVID LEINWAND	ADRIAN R. LEIPSIC	HELENA K. GRANNIS
DIANA L. WOLLMAN	ELIZABETH VICENS	JOHN V. HARRISON
JEFFREY A. ROSENTHAL	ADAM J. BRENNEMAN	CAROLINE F. HAYDAY
MICHAEL D. DAYAN	ARI D. MACKINNON	NEIL R. MARKEL
CARMINE D. BOCCUZZI, JR.	JAMES E. LANGSTON	KENNETH S. BLAZEJEWSKI
JEFFREY D. KARP	JARED GERBER	LAURA BAGARELLA
KIMBERLY BROWN BLACKLOW	COLIN D. LLOYD	SHIRLEY M. LO
ROBERT J. RAYMOND	COREY M. GOODMAN	JONATHAN D.W. GIFFORD
SUNG K. KANG	RISHI ZUTSHI	SUSANNA E. PARKER
SANDRA L. FLOW	JANE VANLARE	DAVID W.S. YUDIN
FRANCISCO L. CESTERO	DAVID H. HERRINGTON	RESIDENT COUNSEL
FRANCESCA L. ODELL	KIMBERLY R. SPOERRI	
WILLIAM J. MCRAE	AARON J. MEYERS	LOUISE M. PARENT
DANIEL C. REYNOLDS	DANIEL C. REYNOLDS	OF COUNSEL
JOON H. KIM	ABENA A. MAINOO	

May 22, 2020

Michael S. Kim, Esq.  
Josef M. Klazen, Esq.  
Robin Rathmell, Esq.  
Victoria R. Morris, Esq.  
Carolina Leung, Esq.  
Kobre & Kim LLP  
800 Third Avenue  
New York, New York 10022

Re: Application of Benjamin Steinmetz for an order to take discovery from Vale S.A., Vale Americas Inc., Rio Tinto PLC, and Rio Tinto Limited pursuant to 28 U.S.C. § 1782

Ladies and Gentlemen:

Vale S.A. and Vale Americas Inc. (collectively “Vale”) are aware of your Application of Benjamin Steinmetz for an Order to Take Discovery from Vale S.A., Vale Americas Inc., Rio Tinto plc and Rio Tinto Limited Pursuant to 28 U.S.C. § 1782 (the “Application”). While the Application relies on the Declaration of Dr. Avi Yanus (the “Yanus Declaration”), it is indisputable that Dr. Yanus has no first-hand knowledge of virtually any of the matters discussed in his declaration, including particularly the conversations he purports to quote throughout the Yanus Declaration. He does not identify who recorded or informed him of the alleged conversations, but appears to base his sworn declaration exclusively on listening to secret recordings. Given that the Yanus Declaration is plainly incompetent evidence, Vale hereby demands full and complete copies of all recordings made by Black Cube or any other representative of Mr. Steinmetz of conversations with any present or former Vale employee, officer or director, including without limitation the recordings referenced in paragraph 21-23 and footnote 1 of the Yanus Declaration, no later than the close of business on Tuesday, May 26.

Michael S. Kim, Esq.  
Josef M. Klazen, Esq.  
Robin Rathmell, Esq.  
Victoria R. Morris, Esq.  
Carolina Leung, Esq., p. 2

Moreover, notwithstanding his declaration that “[t]he information contained in this statement is based upon my own knowledge and/or belief. When information is not based upon my own knowledge, I will explain the source of the information and/or belief,” Dr. Yanus never discloses either the source of or basis for his information and/or belief with respect to his assertion that the recordings were made in “one-party consent states.” The Yanus Declaration does not even reveal material facts in the analysis of the legality of those recordings, including without limitation where Black Cube’s deceived counterparty was at the time of each of the recorded telephonic or Skype sessions and how Mr. Yanus knows such location. Given the materiality of this information to question of the admissibility of these recordings, please provide us with complete details no later than the close of business on Tuesday, May 26.

Vale reserves all rights.

Very truly yours,



Jeffrey A. Rosenthal